

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation to Facilitate
Proactive Development of Transmission
Infrastructure to Access Renewable Energy
Resources for California.

Investigation 05-09-005
(Filed September 8, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON NOTICES OF INTENT TO CLAIM INTERVENOR COMPENSATION FILED
BY THE GREEN POWER INSTITUTE, THE COMMUNITY ENVIRONMENTAL
COUNCIL, AND THE UTILITY REFORM NETWORK**

I. Summary

The Green Power Institute (GPI), the Community Environmental Council (Community Council) and the Utility Reform Network (TURN) each filed a Notice of Intent to Claim Intervenor Compensation (NOI) in this proceeding. After consultation with the Assigned Commissioner, I find that GPI, Community Council, and TURN are eligible to claim intervenor compensation in this proceeding. However, a finding of eligibility for compensation does not guarantee an award of compensation. Parties should make every attempt to avoid duplicating the efforts of other parties, which could result in a reduction in the amount of compensation ultimately awarded. The requirements of Pub. Util. Code §§ 1801-1804¹ are addressed below.

¹ All statutory references are to the Pub. Util. Code.

II. NOI Requirements

Pursuant to § 1804(a)(1), “[a] customer who intends to seek an award under this article shall, within 30 days after the prehearing conference is held, file and serve on all parties to the proceeding a notice of intent to claim compensation.” The first Prehearing Conference in this proceeding was held on November 7, 2005. All NOIs were timely filed. No objections or responses to the NOIs have been filed.

Section 1804(a)(2) sets forth those items that must be addressed in an NOI. Pursuant to Decision (D.) 98-04-059, this ruling must determine whether the intervenor is a customer, as defined in § 1802(b), and whether the intervenor is (1) a participant representing consumers, (2) a representative authorized by a customer, or (3) a representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential ratepayers.

Once the applicable definition of customer is identified, the correct standard of “significant financial hardship” can be applied. Only those customers for whom participation or intervention would impose a significant financial hardship may receive intervenor compensation. A customer can either include a showing of significant financial hardship in its NOI pursuant to § 1804(a)(2)(B) or it can rely upon a “rebuttable presumption” that is established if the customer has been found to be eligible for compensation in another proceeding where such finding was made within one year of the date of commencement of the subject proceeding. (§ 1804(b)(1).) Alternatively, the required showing may be made in the request for award of compensation. Section 1802(g) defines “significant financial hardship.”

“Significant financial hardship” means either that the customer cannot without undue hardship afford to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation, or that, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding. A finding of significant financial hardship in no way ensures compensation (§ 1804(b)(2)).

Section 1804(a)(2)(A)(i) requires an NOI to include a statement of the nature and extent of the customer’s planned participation in the proceeding to the extent this can be predicted. Section 1804(a)(2)(A)(ii) requires that NOIs include an itemized estimate of the compensation the customer expects to receive.

A. Green Power Institute

GPI is the renewable energy program of the Pacific Institute for Studies in Development, Environment, and Security, a non-profit, public purpose environmental research organization. GPI states that it has more than 90 members who are California residential customers of the regulated gas and electric utilities. GPI explains that it represents customers whose concern for the environment distinguishes their interests from the interests represented by other consumer advocates. GPI expects to be an active participant in this proceeding, concentrating in the areas of extending transmission access to renewable resource regions, and contributing to the development of policies that will facilitate the development of the transmission infrastructure to better develop the states renewable energy potential. GPI plans to participate in hearings and workshops, as necessary, prepare testimony and submit motions and briefs, as appropriate.

GPI states that “[b]ecause the nature of our participation focuses on the technical and environmental impacts of the matters under consideration in this proceeding, the direct economic impacts on the organization and its members are anticipated to be negligible.” (GPI NOI, p. 5.) GPI has demonstrated significant financial hardship within the meaning of § 1802(g).

GPI provides an estimated project budget for this proceeding of \$48,000 (approximately 200 hours of GPI director Dr. Gregory Morris’ time).

B. Community Environmental Council

Community Council explains that it is a regional customer-oriented non-profit organization, based in Santa Barbara for over 35 years, and is the leading local non-profit environmental organization in the area. It has approximately 2,000 members, who are generally Southern California Edison Company customers who have an interest in matters that may affect their utility bills and the type of energy they receive. Since 2004, the organization’s focus has shifted to energy issues and it has initiated a regional effort to reduce reliance of local communities on fossil fuels over the next 30 years. Community Council states that it is a Category 3 customer because it is a membership organization specifically focused on representing members with concerns about environmental protection and sustainability, and how those concerns affect or are affected by electricity rates, services, and public policies.

Community Council states that it will be representing the interests of residential and small commercial customers in the Central Coast region of California. Community Council states that it will coordinate its efforts with other parties to ensure that its work complements the work of other parties with similar positions, and avoid any undue duplication of effort.

Community Council qualifies for eligibility customer through a rebuttable presumption of eligibility, pursuant to § 1804(b)(1), as it was found eligible for compensation in another proceeding that commenced within one year of this proceeding (Administrative Law Judge (ALJ) Ruling dated March 22, 2005, in Rulemaking 03-10-003). Should any party rebut this presumption, Community Council is granted leave to furnish evidence of its significant financial hardship within 10 days of the rebuttal filing.

Community Council intends to participate actively in this proceeding, including submitting briefs and preparing testimony when appropriate. Community Council estimates that this proceeding will require approximately 300 hours of Energy Program Director Tam Hunt's time (at a proposed hourly rate of \$220). The Community Council also states that it may also hire a consultant to assist in filings and appearances. The Community Council anticipates eight trips to San Francisco from Santa Barbara (at about \$800 per trip, with lodging). It estimates a total budget of approximately \$90,000 for this proceeding.

C. The Utility Reform Network

TURN is a non-profit consumer advocacy organization that has a long history of representing the interests of residential and small commercial customers of California's utility companies before the Commission. TURN qualifies as a customer because it is an organization that is authorized by its articles of incorporation to represent the interests of consumers, a portion of whom we have determined to be residential customers. TURN meets the third definition of customer, as set forth in § 1802(b).

A rebuttable presumption of eligibility exists because TURN received a finding of significant financial hardship in an ALJ Ruling issued on

November 4, 2005 in Application (A.) 05-02-027. This proceeding commenced within one year of this finding. Therefore, in accordance with § 1804(b)(1), the rebuttable presumption created in A.05-02-027 is applicable.

TURN intends to participate in the first phase of this proceeding through the filing of comments and legal briefs, attendance at workshops and hearings, and the preparation of testimony, if necessary. TURN notes that, to date, the Commission has not provided a specific workplan for 2006 in this proceeding, but TURN is prepared to participate as appropriate based on the ultimate scope of the case. TURN indicates that it will coordinate its participation with the other intervenors in order to prevent unnecessary duplication of effort.

TURN estimates a total projected budget of \$75,950 for this case, based on the following expenses:

Attorney/Category	Estimated Hours	Hourly Rate	Estimated Cost
Matthew Freedman	100	\$320	\$32,000
Kevin Woodruff	50	\$210	\$10,500
Robert Finkelstein	20	\$435	\$ 8,700
Michael Florio	50	\$495	\$24,750
Total			\$75,950

IT IS RULED that:

1. The Community Environmental Council (Community Council) has met the eligibility requirements of Pub. Util. Code § 1804(a), including the requirement that it establish significant financial hardship, and is found eligible for compensation in this proceeding.
2. The Green Power Institute (GPI) is a customer as that term is defined in § 1802(b) and has met the eligibility requirements of § 1804(a), including the

requirement that it establish significant financial hardship, and is found eligible for compensation in this proceeding.

3. The Utility Reform Network (TURN) is a customer as that term is defined in § 1802(b) and has met the eligibility requirements of § 1804(a), including the requirement that it establish significant financial hardship, and is found eligible for compensation in this proceeding.

4. A finding of eligibility in no way assures compensation.

5. Community Council, GPI and TURN shall make every effort to reduce duplication of effort with other parties in their participation in this proceeding.

Dated March 6, 2006, at San Francisco, California.

/s/ JULIE HALLIGAN
Julie Halligan
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Notices of Intent to Claim Intervenor Compensation Filed by the Green Power Institute, the Community Environmental Council, and the Utility Reform Network on all parties of record in this proceeding or their attorneys of record.

Dated March 6, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.